

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>PFOH008WO</b>	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/009261</b>	International filing date (day/month/year) <b>18.08.2004</b>	Priority date (day/month/year) <b>18.08.2003</b>	
International Patent Classification (IPC) or national classification and IPC <b>E06B3/964</b>			
<p>Applicant <b>FORSTER ROHR- &amp; PROFILTECHNIK AG</b></p>			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <b>6</b> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/009261

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 

This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
 
  - international search (Rule 12.3 and 23.1(b))
  - publication of the international application (Rule 12.4)
  - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 

the international application as originally filed/furnished

the description:
 

pages 1-17 as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the claims:
 

nos. 1-16 as originally filed/furnished

nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19

nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the drawings:
 

sheets 1/5-5/5 as originally filed/furnished

sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3.  The amendments have resulted in the cancellation of:
 

the description, pages \_\_\_\_\_

the claims, nos. \_\_\_\_\_

the drawings, sheets/figs \_\_\_\_\_

the sequence listing (*specify*): \_\_\_\_\_

any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 

the description, pages \_\_\_\_\_

the claims, nos. \_\_\_\_\_

the drawings, sheets/figs \_\_\_\_\_

the sequence listing (*specify*): \_\_\_\_\_

any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/009261

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
-----------	---

## 1. Statement

Novelty (N)	Claims	1-16	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-16	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO

## 2. Citations and explanations (Rule 70.7)

1 The present report refers to the following documents:

D1: FR 86 645 E  
 D2: DE 198 18 632 A  
 D3: DE 1 976 005.

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3).

2.1.1 Document D1 is considered the prior art closest to the subject matter of claim 1. It discloses (the references between parentheses relate to D1):

a corner joint for window or door frames, comprising a corner joint element (1) and two mitred hollow sections (3a, 3b), wherein the corner joint element has two connection parts (1a,

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/EP2004/009261

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>1b) which can be inserted into a hollow space of a hollow section, and which are each provided with a fastening arrangement for connection to a hollow section (4, 5), wherein a connecting arrangement (11, 13, 14) for connecting the connection parts (1a, 1b) secured to each hollow section are provided, and wherein the connecting arrangement and the connection parts are configured in such a way that when the connection is established the mitred hollow sections (3a, 3b) can be pressed against each other in a prestressed manner.</p> <p>2.1.2 The subject matter of claim 1 therefore differs from that known from document D1 in that recesses and/or distribution channels are provided on an interface of a connection part for the purpose of receiving and distributing glue.</p> <p>2.1.3 The problem to be solved by the present invention is therefore understood to be that of being able to introduce the glue needed to attach the connection parts to the hollow sections more easily, accurately and neatly.</p> <p>2.1.4 However, the above features were already used for the same purpose with a similar corner connecting element (see document D2, column 1, lines 16-40, and column 3, line 42, to column 4, line 7). For a person skilled in the art wishing to achieve the same purpose with a corner joint according to document D1, it would have been straightforward to apply the above features to corresponding effect</p>

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/EP2004/009261

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

also to the subject matter of document D1, and in this way to arrive at a corner joint according to claim 1, without thereby being inventive.

Consequently, the solution proposed in claim 1 of the present application cannot be considered inventive (PCT Article 33(3)).

## 3 INDEPENDENT CLAIM 12

3.1 Claim 12 concerns only a connection part instead of the entire corner joint. Since the features of this claim are also contained in claim 1, the scope of protection of claim 12 encompasses that of claim 1. Consequently, claim 12 does not involve an inventive step within the meaning of PCT Article 33(3).

## 4 INDEPENDENT CLAIM 14

4.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 14 does not involve an inventive step within the meaning of PCT Article 33(3).

4.1.1 Document D3 discloses (the references between parentheses relate to D3):

a method for producing a corner joint for doors or windows using a corner joint element and two mitred hollow sections (1, 2), wherein the corner

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

joint element has two connection parts (4, 7), wherein each connection part is connected to the corresponding hollow sections using a fastening arrangement, wherein in a next step the connection parts fastened to the relevant hollow section are connected to each other using a connection arrangement (8, 10), wherein while the connection parts fastened to the hollow sections are connected to each other the mitred hollow sections are pressed against each other in a pre-stressed manner, and wherein the relevant hollow section (1, 2) and the relevant connection part (4, 7) are screwed together.

4.1.2 The method according to claim 14 therefore differs from that known from document D3 in that, in addition, the relevant hollow section (1, 2) and the corresponding connection part (4, 7) are glued together.

4.1.3 Since both gluing and additional gluing in the corner joint area are routine practice for a person skilled in joining, the method suggested in claim 14 of the present application cannot be considered inventive (PCT Article 33(3)).

## 5 DEPENDENT CLAIMS

The dependent claims appear to contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/009261

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement